HOUSE OF ASSEMBLY

NEWFOUNDLAND AND LABRADOR

ANNUAL REPORT

OF

THE COMMISSIONER OF MEMBERS' INTERESTS

2001-2002

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June 25th, 2002

Honourable Lloyd Snow
Speaker
House of Assembly
Main Floor, East Block
Confederation Building
St. John's, NF

Dear Speaker:

Pursuant to Section 35 of the House of Assembly Act - Part II Conflict of Interest, I am pleased to present the 2001-2002 Annual Report of the Commissioner of Members' Interests covering the period April 1, 2001 to March 31, 2002 for tabling in the Legislature.

As a result of an amendment to the House of Assembly Act (Section 19.1) Reports submitted to the Speaker or to Clerk of the House of Assembly are considered to be public documents. To that end, copies will be available at the Office of the Commissioner.

I am also pleased to report that copies of this Report, as well as those from previous years, are now available through our new web site at www.gov.nf.ca/conflictcommissioner. The site also contains links to other jurisdictions. I am delighted that we have yet another medium to disseminate information of public interest.

Sincerely yours,

Wayne Green
Commissioner of Members' Interests

Annual Filing Requirement

Section 36(1) of the Act requires all members to file an Annual Disclosure Statement before April 1 of each year. This Report, submitted in accordance with Section 35 of the Act, covers the period April 1, 2001 to March 31, 2002. On March 1, 2001 all members were written requesting that they file their statements. I am pleased that all members complied in meeting this requirement of the Act, although one member did not file until six months after the April 1, 2001 deadline. Some members did not sign their Public Disclosure Statements in a timely manner. A number of reminders were required from the Commissioner's office.

As the Public Disclosure Statements were signed, they were placed on file at the Commissioner's office for public inspection. It is not unusual for representatives of the media and party officials to visit the office to view these Statements. Enquiries are also received from the media on the provisions of the legislation.

Meetings with Members

In order for members and the Commissioner to meet their obligations under the Act, it is important that the lines of communication be open at all times. Should members have any questions of clarification, interpretation or require guidance the Commissioner is available to discuss specific issues. I am pleased that a number of members have contacted me prior to making certain decisions about their private interests. This practice helps ensure that the correct procedures are followed.

The cooperation of members is acknowledged, as is their desire to ensure they are in compliance with the provisions of the legislation.

Investigations

During the period covered by this Report there were no formal requests or applications from any member, the Honorable Premier or the House of Assembly to investigate any possible contravention of the Act by any member of the legislature.

Initial Disclosure Statements

As a result of by elections in the Electoral District of Humber West and Electoral District of Port De Grave on June 19th, 2001, two new members had to file Initial Disclosure Statements within 60 days of being elected, as required in the Act. Both members filed their statements on time.

Compliance

Based on information contained in the Disclosure Statements it appears that all members are in compliance with the legislation and Public Disclosure Statements are on file in the Commissioner's office for public inspection for all 48 members for the period covered by this Report.

Members are reminded that in accordance with Section 36(4), any material change to information required to be disclosed to the Commissioner must be reported by the member to the Commissioner in writing not more than 60 days after the change occurs. While there have been instances where this requirement has not been met, there has been nothing to suggest it has been for any reason other than oversight.

There are two areas where affected members need to be vigilant. The first involves members who have a 10% or more interest in a corporation or partnership. In those instances, members are required to submit audited financial statements. This requirement is not always met and members on occasion have either failed to submit any statements or have submitted unaudited statements.

The second area where more vigilance is necessary is with respect to the timely return of the Public Disclosure Statement. In some instances several reminders are required before the statement is returned. Since this is the document to which the public has access, a timely response would be in the best interest of all members. In that regard I have discussed with the Honourable Speaker the possibility of amending the Act to provide a time frame in which the Public Disclosure Statement would have to be returned. Such a change would, I believe, be consistent with the intent of the legislation.

Conferences

The Annual Conference of the Canadian Conflict of Interest Network (C-COIN) was held in Toronto on September 21 and 22, 2001. C-COIN membership comprises the Provincial and Territorial Conflict of Interest/Ethics Commissioners, the Federal Ethics Councillor and a representative of the office of Values & Ethics of the Federal Treasury Board.

Annual Conferences provide Commissioners with an opportunity to exchange information on issues of common interest and review legislative and regulatory differences and trends.